IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 33091 of 2007(M)

PETITIONER:

GOPAKUMAR, S/O. CHELLAPPAN PILLAI,
KUNNUMPURATHU VEEDU, PANAMPATTA,
PIDAVOOR VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL
SRI.S.SAIJU

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE COMMISSIONER OF LAND REVENUE, PUBLIC OFFICE BUILDING, MUSEUM, THIRUVANANTHAPURAM.**

2. **THE R.D.O., COLLECTORATE, KOLLAM.**

3. **THE ADDITIONAL TAHASILDAR, PATHANAPURAM, PUNALUR, KOLLAM.**

4. **THE TAHSILDAR (REVENUE RECOVERY), TALUK OFFICE, PATHANAPURAM, PUNALUR, KOLLAM DISTRICT.**

5. **THE VILLAGE OFFICER, PATTAZHI, KOLLAM DISTRICT.**

BY GOVERNMENT PLEADER SRI.MATHEW VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 33091 of 2007

Dated this the 7th November, 2007

J U D G M E N T

According to the petitioner, he is an Agricultural Labourer. The Additional Tahsildar, the 3rd respondent passed an order on 23.7.2003 under the Land Conservancy Act alleging that the petitioner has unauthorisedly extracted river sand from the Kallada river. Further allegation is that for facilitating the transportation of the unauthorisedly collected sand, he had also constructed a new road. Exhibit-P1 order issued in this regard by the 3rd respondent was challenged by the petitioner in an appeal before the R.D.O. A similar order was passed for a subsequent period as Exhibit-P2. Exhibit-P2 was also challenged in an appeal before the R.D.O. Appeal against Exhibit-P1 and P2 orders was rejected under Exhibit-P3 order, but he has not received a copy of the same. In the meanwhile, petitioner has sought for remission of the damages payable by him by Exhibit-P4 stated to have been filed before the Secretary, Revenue Department/Land Revenue Commissioner. It may be noted herein that the power under Section 6(4) (a) of the Act can be exercised only by the Government. In the meanwhile, Revenue Recovery Proceedings have been taken against the petitioner, according to him and it is therefore, he approaches this

Court.

2. In so far as the challenge against Exhibits P1 and P2 and the appellate orders are concerned, I am not inclined to consider the correctness of the said orders, in as much as the petitioner has an alternate remedy under the Land Conservancy Act by way of revision before the District Collector or further revision before the Commissioner of Land Revenue. Petitioner is free to avail the same, if permissible. In so far as Exhibit-P4 is concerned, the said application is to be considered by the Government in terms of Sec. 6(4) (a) of the Act.

After having heard the learned counsel for the petitioner and the learned Government Pleader, this writ petition is disposed of directing the 1st respondent to consider Exhibit-P4 and take a decision thereon, in accordance with law, within a period of two months from the date of receipt of a copy of this judgment. Proceedings for recovery of amounts as per Exhibits P1 and P2 shall be kept in abeyance till the disposal of Exhibit-P4 provided the petitioner pays an amount of Rs.30,000/- within a period of six weeks from today.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007